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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,230	07/02/2003	Eric Romanski	930036-2007	4864
20999	7590	01/27/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				HUG, ERIC J
		ART UNIT		PAPER NUMBER
		1731		

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/612,230	ROMANSKI, ERIC
	<b>Examiner</b> Eric Hug	<b>Art Unit</b> 1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 02 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,6-9,11-13,18,19,23-26 and 28-30 is/are rejected.
- 7) Claim(s) 3-5,10,14-17,20-22,27 and 31-34 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6-9, 11-13, 18, 19, 23-26, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlueter, Jr. et al (US 6,287,498).

Schlueter discloses a process of making flexible belts from elastomer coated fibers. The fibers are formed into the shape of a belt by wrapping them about a mandrel. Figure 1 shows a plurality of fibers pulled together as a single thread into a pool of resin. After covering with resin, the thread is wrapped about the mandrel. After wrapping, the resin is smoothed and cured. Alternatively, the fibers can be covered with resin by spraying or roll coating.

The fibers may be in the alternative form of a woven mat or fabric, resulting in a “fabric thread” being coated and wrapped in the same manner as a single thread. See column 3, lines 44-58. The belt can be made from a plurality of layers, whereby the threads are oriented in different directions. Figure 7 shows a first layer 310 comprises of axially oriented threads. Subsequent outer layers are formed by helically winding a thread about the axially oriented threads in a circumferential direction. See also column 4, lines 44-64. Thus, regarding claims 1 and 18, Schlueter encompasses applying CD oriented (axially oriented) tapes to the surface of a mandrel, such tapes made of resin surrounding a fiber matrix, applying MD oriented

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(circumferential) tapes over the CD tapes, and then applying heat to melt and set the resin.

However, the teachings of Schlueter encompasses many possible orientations of tapes and layers, including that of claims 13 and 30 where the layering of CD and MD tapes is reversed.

Regarding claims 2, 6-9, 19, and 23-26, the resin materials disclosed by Schlueter (column 4, lines 24-43)) read on thermoplastic/thermosetting resins, rubber, and resins that can be thermoset by heat or radiation. Curing, cooling, and crosslinking of resin is described in column 3, lines 32-43. The woven mat or fabric reads on claims 11 and 28. Helically wound tapes read on claims 12 and 29.

#### ***Allowable Subject Matter***

Claims 3-5, 10, 14-17, 20-22, 27, and 31-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 3 and 20 are allowable for further providing the step of grinding to desired caliper.

Claims 4 and 21 are allowable for further providing grooves or blind holes.

Claims 5 and 22 are allowable for further providing a shrinkable film around the tapes.

Claims 10 and 27 are allowable for further providing means for repairing defects.

Claims 14-16 and 31-33 are allowable for further providing resin layers with the tapes.

Claims 17 and 34 are allowable for structuring the belt as a shoe press belt.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hasagawa et al (US 6,086,719) disclose a shoe press belt comprised of layers of resin material, a base fabric layer, and a high strength thread wound circumferentially about the base fabric layer.

Youngkeit (US 4,938,824) discloses a method of forming a cylindrical composite component by winding of a resin impregnated fabric tape about a mandrel.

Gill et al (US 4,470,860) disclose a method of fabricating tubular structures whereby filamentary material in a matrix of thermosetting resin is wound about a mandrel, and then cured by heat.

McCormack et al (US 4,136,715) disclose a method for fabricating a cylindrical composite article comprised of at least one elastomeric tape wrapped in helical fashion about a mandrel.

Tyhurst(US 3,126,876) discloses a method of forming laminated pipe by winding of a aligning resin coated fibers about a mandrel. See particularly Figure 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Eun Kyung Hwang*  
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